



**US Army Corps  
Of Engineers**  
Walla Walla District  
201 North Third Avenue  
Walla Walla, WA 99362-1876

# Public Notice of Application for Permit

APPLICATION NO: NWW No. 040600008

APPLICANT: McCann Ranch & Livestock Company

PUBLIC NOTICE DATE: January 29, 2004

21-Day Notice

COMMENTS DUE DATE: February 19, 2004

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Interested parties are hereby notified that an application has been received for a Department of the Army permit for certain work in waters of the United States as described below and shown on the attached plans.

APPLICANT - McCann Ranch & Livestock Company, PO Box 445, Lewiston, Idaho 83501-0445, telephone 208-743-5517 (work), contact Mr. Steve Fisher, telephone 406-258-6800 (work). For information from the Corps of Engineers, contact Mr. Duane E. Mitchell at 509-527-7156.

LOCATION – Unnamed tributary to the Clearwater River and adjacent wetlands, Sec. 8, T.35N., R.5W., Boise Meridian, Lewiston Orchards North USGS Quadrangle, Lewiston, in Nez Perce County, Idaho.

WORK - Discharge approximately 300 cubic yards of earthen fill material into 988 feet of an unnamed tributary to the Clearwater River and 0.089 acre of adjacent wetlands. Location and description as shown on the enclosed drawing sheets 1 through 6.

CONSTRUCTION PERIOD - Applicant proposes to perform construction during the summer of 2004. The permit would authorize construction for a period of 3 years.

PURPOSE – To facilitate the construction of a commercial building and parking area.

ADDITIONAL INFORMATION - The applicant proposes to develop this parcel into a commercial property much like the other properties below it along Thain Grade and 21<sup>st</sup> Street. In addition, the applicant proposes to compensate for the filling of 1,070 feet of channel and 0.15 acres of adjacent wetland by constructing a 0.44-acre mitigation wetland in the northeast corner of the property. The mitigation plan involves the creation of a basin in which the water level would be maintained by diverting water from a storm drain system (to be constructed) into the wetland. Excess water would flow back into the storm drain system through an outlet box on the downstream end of the wetland. The wetland area would be vegetated with various native wetland plants, including woody species and an upland buffer would be established around the perimeter.

In addition to the mitigation wetland the applicant proposes to construct a 0.06-acre wetland settling basin immediately upstream of the fill site. The wetland settling basin is intended to provide some water quality

In addition to the mitigation wetland, the applicant proposes to construct a 0.06-acre wetland settling basin immediately upstream of the fill site. The wetland settling basin is intended to provide some water quality benefits to mitigate for some of the benefits that will be lost. The total proposed mitigation acreage would be approximately 0.5 acre.

**AREA DESCRIPTION** - The site is located in the headwaters of this unnamed tributary. This is a perennial stream that begins in Lewiston Orchards and flows down, at this point, through a narrow, relatively steep sided ravine, typical of the Clearwater Canyon area. The existing channel averages approximately 3 feet wide with a band of wetlands between 2 and 4 feet wide on both sides of the channel for the entire length. Vegetation along the channel consists mainly of watercress (*Nasturtium officinale*), broadleaved cattail (*Typha latifolia*), poison hemlock (*Conium maculatum*), teasel (*Dipsacus sylvestris*), and western mountain aster (*Aster occidentalis*). A few willow trees also exist along the channel. The ravine and land immediately adjacent to it are relatively undisturbed with mostly native and non-native grasses and forbs. Pheasants, mourning dove and other wildlife are known to use this ravine. The area immediately above this ravine is primarily residential housing and immediately below this area is commercial development. Flow from this stream is captured at the lower end of this property by the City's storm water system and carried to the Clearwater River through various segments of the storm water system along Thain Grade and 21<sup>st</sup> Street, including some open channel areas east of 21<sup>st</sup> Street. The flow reaches the Clearwater River on the east side of the Clearwater River Bridge where it flows through a section of tree-lined, open channel before it passes through a gated culvert through the levee and into the river.

**ANTICIPATED IMPACTS ON AQUATIC ENVIRONMENT** – Approximately 1,070 feet of channel would be eliminated along with 0.15 acre of wetlands. The existing stream flow would then be carried through a new storm drain, which would connect to the City of Lewiston's existing storm water system.

**OTHER AUTHORIZATIONS** - Other authorizations requested include, but not necessarily limited to Idaho Department of Water Resources Stream Alteration Permit and City of Lewiston Grading Permit.

**WATER QUALITY CERTIFICATION** - This will also serve as public notice that Idaho Department of Environmental Quality is evaluating whether to certify that the discharges of dredged and fill material proposed for this project will not violate existing water quality standards. A Department of the Army permit will not be issued until water quality certification has been issued or waived by the State of Idaho, as required by Section 401 of the Clean Water Act. If water quality certification is not issued, waived or denied within 60 days of this public notice date, and an extension of this period is not granted to the Idaho Department of Environmental Quality, certification will be considered waived. Comments concerning certification for this project should be mailed to Mr. Kerby Cole, Idaho Department of Environmental Quality, Lewiston Regional Office, Lewiston, Idaho 83501.

**CULTURAL RESOURCES** - Coordination is currently being conducted with the office of the Idaho State Historic Preservation Officer to determine if this activity will affect a site that is listed on the National Register of Historic Places, or a site that may be eligible for listing on the Register.

**ENDANGERED SPECIES** - Coordination is currently being conducted with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service to determine if the activity will have any affect on species designated as endangered or threatened under the Endangered Species Act, or their critical habitat.

**ENVIRONMENTAL IMPACT STATEMENT** - Preliminary review indicates that the activity will not require preparation of an Environmental Impact Statement. Comments provided will be considered in preparation of an Environmental Assessment.

**AUTHORITY** - This permit will be issued or denied under the authority of Section 404 of the Clean Water Act.

**EVALUATION** - The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general, the needs and welfare of the people. In addition, our evaluation will include application of the EPA Guidelines (40 CFR 230) as required by Section 404(b)(1) of the Clean Water Act.

**CONSIDERATION OF PUBLIC COMMENTS** - The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

**PUBLIC HEARING** - Any person may request in writing, within the comment period specified in this notice, that a public hearing be held to consider this proposed activity. Requests for a public hearing shall state specific reasons for holding a public hearing.

COMMENT AND REVIEW PERIOD - Interested parties are invited to provide their comments on the proposed activity, which will become a part of the record and will be considered in the decision. **Comments should be mailed to:**

**U.S. Army Corps of Engineers  
Walla Walla District  
Regulatory Division  
201 North 3rd Avenue  
Walla Walla, Washington 99362-1876**

Comments should be received not later than the comments due date of this notice to receive consideration.

A handwritten signature in black ink that reads "A. Bradley Daly". The signature is written in a cursive, flowing style.

A. Bradley Daly  
Chief, Regulatory Division